

1 BARRY E. HINKLE, Bar No. 071223
2 CONCEPCIÓN E. LOZANO-BATISTA, Bar No. 227227
3 WEINBERG, ROGER & ROSENFELD
4 A Professional Corporation
5 1001 Marina Village Parkway, Suite 200
6 Alameda, California 94501
7 Telephone (510) 337-1001
8 Fax (510) 337-1023
9 E-Mail: bhinkle@unioncounsel.net
10 clozano@unioncounsel.net

11 Attorneys for Plaintiffs

12 UNITED STATES DISTRICT COURT
13
14 NORTHERN DISTRICT OF CALIFORNIA

15 THE BOARD OF TRUSTEES, in their
16 capacities as Trustees of the LABORERS
17 HEALTH AND WELFARE TRUST FUND
18 FOR NORTHERN CALIFORNIA;
19 LABORERS VACATION-HOLIDAY TRUST
20 FUND FOR NORTHERN CALIFORNIA;
21 LABORERS PENSION TRUST FUND FOR
22 NORTHERN CALIFORNIA; and LABORERS
23 TRAINING AND RETRAINING TRUST
24 FUND FOR NORTHERN CALIFORNIA,

25 Plaintiffs,

26 v.

27 LINEATION MARKINGS CORPORATION, a
28 California Corporation,

Defendant.

No. C14-00575 (WHO)

**EX PARTE APPLICATION FOR
CONTINUANCE OF CASE
MANAGEMENT CONFERENCE;
ORDER**

**TO: THE CLERK OF THE COURT AND DEFENDANT, LINEATION MARKINGS
CORPORATION, a California Corporation:**

Pursuant to Civil Local Rule 7-10, Plaintiffs hereby request that the initial Case
Management Conference, which was set for October 14, 2014 at 2:00 pm be reset for sixty days

1 to allow the parties to attempt to resolve this matter informally and/or for Plaintiffs to file and
2 serve a First Amended Complaint.

3 Plaintiffs filed the Complaint seeking an audit and unpaid contributions on February 6,
4 2014. Defendant was served on March 5, 2014, for which proofs of service were filed with this
5 Court on March 14, 2014. Defendant has not filed an Answer or other responsive pleading in this
6 matter.

7 Plaintiffs recently conducted an audit of Defendant's books and records. Plaintiffs are in
8 the process of discussing their findings with the Defendant in an effort to resolve this case.

9 Accordingly, Plaintiffs request that the Case Management Conference be continued for
10 sixty days in order to allow Plaintiffs to attempt a resolution of this case with the Defendant.

11 The above stated facts are set forth in the accompanying Declaration of Concepción E.
12 Lozano-Batista in Support of Ex Parte Application to Continue Case Management Conference,
13 filed herewith.

14
15 Dated: October 6, 2014

16 WEINBERG, ROGER & ROSENFELD
17 A Professional Corporation

18 By: /s/ Concepción E. Lozano-Batista
19 CONCEPCIÓN E. LOZANO-BATISTA
20 Attorneys for Plaintiffs

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

ORDER CONTINUING CASE MANAGEMENT CONFERENCE

Based upon the foregoing Ex Parte Application for Continuance of Case Management Order and Declaration of Concepción E. Lozano-Batista in Support of Ex Parte Application to Continue Case Management Conference, the Court orders a continuance of the Case Management Conference to December 9, 2014 at 2:00 p.m.

In addition, the Court orders that by December 9, 2014:

- (i) defendant file a responsive pleading and participate in preparing a Joint Case Management Statement, setting forth the proposed schedule for this case; or
- (ii) plaintiffs take defendant's default; or
- (iii) plaintiffs dismiss the case; or
- (iv) plaintiffs represent that the case is settled.

If none of these conditions has been met, the case will likely be dismissed for failure to prosecute.

Dated: October 9, 2014


HONORABLE WILLIAM H. ORRICK
United States Magistrate Judge

135418/782897